

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT THERAPY
PRODUCTS LIABILITY LITIGATION

MDL No. 2545

Master Docket Case No. 1:14-cv-01748

Honorable Matthew F. Kennelly

This document applies to:

All Cases

**PLAINTIFFS’ STEERING COMMITTEE’S MOTION FOR LEAVE TO FILE NOTICE OF
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MEMORANDUM OF LAW IN
OPPOSITION TO MOTION OF ABBVIE DEFENDANTS FOR SUMMARY JUDGMENT ON
PLAINTIFFS’ FAILURE TO WARN CLAIMS**

The Plaintiffs’ Steering Committee hereby moves the Court for leave to file notice of supplemental authority with respect to Plaintiffs’ Steering Committee’s Memorandum of Law in Opposition to Motion of AbbVie Defendants for Summary Judgment on Plaintiffs’ Failure to Warn Claims (“Failure to Warn Opposition”), Doc. #1807. The Failure to Warn Opposition was filed on March 21, 2017. On March 22, 2017, the United States Court of Appeals for the Third Circuit issued its decision in *In re: Fosamax (Alendronate Sodium) Products Liability Litigation*, No. 14-2590, ___ F.3d ___, 2017 WL 1075047 (3d Cir., March 22, 2017), reversing the district court’s grant of summary judgment, on grounds of preemption, with respect to failure to warn and design defect claims. Plaintiffs respectfully request the Court grant leave to submit notice of that opinion, attached hereto, as supplemental authority further supporting the arguments in Section I of the Failure to Warn Opposition.

Dated: March 29, 2017

Respectfully submitted,

/s/ Trent B. Miracle

Trent B. Miracle

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Plaintiffs' Co-Lead Counsel *on behalf of* Plaintiffs'
Steering Committee

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2017, I electronically transmitted the foregoing document to the Clerk of the United States District Court using the CM/ECF system for filing and service to all parties/counsel registered to received copies in this case.

/s/ Brendan A. Smith

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